

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KENNETH CARL CRISSUP,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-05-431
	§	
DOUG DRETKE,	§	
	§	
Respondent.	§	

**MEMEORANDUM OPINION AND ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL AND FOR AN EXTENSION OF TIME TO FILE
OBJECTIONS**

Pending are petitioner's motions for appointment of counsel and for an extension of time to file objections to the memorandum and recommendation (D.E. 47). There is no constitutional right to counsel in federal habeas proceedings. *Johnson v. Hargett* , 978 F.2d 855 (5th Cir. 1992). Rule 8 of the Rules Governing § 2254 Cases requires that counsel be appointed if the habeas petition raises issues which mandate an evidentiary hearing. It has not yet been determined that an evidentiary hearing is necessary. Appointing counsel at this time would be premature.

Counsel will be assigned *sua sponte* if there are issues which mandate an evidentiary hearing. Moreover, counsel may be assigned if discovery is ordered and issues necessitating the assignment of counsel are evident. Rule 6(a) of the Rules Governing § 2254 Cases; *Thomas v. Scott*, 47 F.3d 713, 715 n. 1 (5th Cir. 1995). Petitioner's motion for appointment of counsel is denied without prejudice.

Petitioner also requests an extension of time to file objections. He contends that his property was taken from him on June 27th and returned on June 29th. Petitioner claims that

when returned, his prescription eyeglasses were broken beyond repair and he cannot read the fine print in law books. Petitioner timely filed his objections on June 26, 2006. In his objections petitioner did not indicate that he required time to research additional issues. Petitioner has not indicated in his motion why his earlier-filed objections do not adequately address all of his concerns, nor has petitioner explained why he must file supplemental objections. Petitioner had adequate time to file his objections, and did file his objections, before his eyeglasses were destroyed. Petitioner's motion for an extension of time is DENIED.

ORDERED this 18th day of July, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE